

*ORIGINAL*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

RECEIVED

JAN 11 2008

MICHAEL W. DOBBINS  
CLERK, U. S. DISTRICT COURT

Cedric Dupree  
N63566

(Enter above the full name  
of the plaintiff or plaintiffs in  
this action)

08 C 500 10

Case No: \_\_\_\_\_  
(To be supplied by the Clerk of this Court)

*Judge Kapala*

SILVIA MATIONE,  
(Assistant WARDEN) Calligan,  
Lt HARVEY, UNKNOWN Doctor (at Dixon c.e.),  
DR. FINN, Practitioner/Nurse Calligan  
S-UNKNOWN DIXON TACTICAL TEAM OFFICERS,  
JOE HARPER, DR. BAIG, Roger WALKER,  
~~JOHN BIRKEL~~, JORGE FRIED, JOHN BIRKEL,  
CRISTINE BEASLEY, RICK CATION,

(Enter above the full name of ALL  
defendants in this action. Do not  
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983  
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE  
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR  
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

**I. Plaintiff(s):**

- A. Name: Cedric DuPrée
- B. List all aliases: "PREACHER"
- C. Prisoner identification number: N63566
- D. Place of present confinement: PONTIAC PRISON
- E. Address: 700 W. LINCOLN PO. BOX 99  
PONTIAC, IL 61764

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

**II. Defendant(s):**

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: MR. CALLIGAN  
Title: ASSISTANT WARDEN  
Place of Employment: DIXON PRISON
- B. Defendant: \_\_\_\_\_  
Title: \_\_\_\_\_  
Place of Employment: \_\_\_\_\_
- C. Defendant: \_\_\_\_\_  
Title: \_\_\_\_\_  
Place of Employment: \_\_\_\_\_
- SEE PAGE 11 (3A)*

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

# DEFENDANTS ADDRESSES, TITLES AND NAMES

NAME & TITLE :

PLACE OF EMPLOYMENT:

ASSISTANT WARDEN CALLIGAN

LT. HARVEY

SUPT. DUSING

DR. FINN

1- DR. (UNKNOWN) AT DIXON CC,  
NURSE PRACTITIONER COLGAN  
5- UNKNOWN TACTICAL OFFICERS

DIXON PRISON  
2600 N. BRINTON AVE  
DIXON, IL  
61022

DR. BAIG  
DR. JOE HARPER

MENARD PRISON  
Box 711  
Menard, IL. 62259

DR. SYLVIA MAHONE

NURSE JOYCE FRIEL

CMT

CHRISTINE BEASLEY

CMT

RICK CATION

CMT

JOHN BIRKEL

PONTIAC PRISON  
700 W. LINCOLN  
P.O. B. 99  
PONTIAC, IL 61764

3-A

### III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (☒) NO ( ) If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (☒) NO ( )

C. If your answer is YES:

1. What steps did you take?

ALL THE WAY TO THE ARB  
ROGER WALKER

2. What was the result?

NO AVAIL

3. If the grievance was not resolved to your satisfaction, did you appeal? What was the result (if there was no procedure for appeal, so state.)

YES  
NO AVAIL

D. If your answer is NO, explain why not:

n/a

A.

COMMENTS COMMON TO  
ALL CLAIMS

ALL The Following ARE BEING  
sued in individual <sup>CLAIMS</sup> CLAIMS HAVE BEEN  
EXHAUSTED ADMINISTRATIVELY  
PURSUANT TO THE PLRA. THE  
HIGHEST OFFICIAL BEING  
ROGER WALKER (TO  
NO AVAIL) THESE ACTIONS  
HAVE VIOLATED PLAINTIFFS CIVIL  
AND STATE RIGHTS.

<sup>NOTE</sup> This Petition (The) defects ARE addressed on  
Page "3-D."

3-C

# B-Tolled ISSUES

3-D

- A. PLAINTIFFS CLAIMS WERE Tolled AND NOW IS BEFORE THIS COURT AT ITS RIGHTFUL TIME. *Sheppard v. LeFevre*, 116 A.D.2d 867, 498 N.Y.S.2d 190 (N.Y. App. Div. 1986).
- B. PLAINTIFFS CLAIMS WERE ALSO tolled due to:
  1. FEARING REPRISALS/SEEKING REDRESS VIA LITIGATION (WHILE BEING BEAT FOR FILING CERTAIN LITIGATION)
  2. DURING MENTAL HEALTH ISSUES/TREATMENT (see EXHIBIT X-4 AND "U-11"). See exhibits "H, I & J"
  3. WHILE SEEKING REDRESS FOR LEGAL HINDERANCES BY DEFENDANTS AND THEIR AGENCY (see Page 6-B)
  4. WHILE IDOC HAD CRIMINAL CHARGES PENDING AGAINST ME (see *Smith v. Holtz*, 87 F.3d 108, 113 (1996). See ALSO PAGE 6-C & EXHIBIT X5F)
  5. DURING LOST/WITHHELD GRIEVANCES (see ~~EXHIBIT~~ PAGE 6-B)
  6. DURING EXHAUSTION OF REMEDIES
  7. ONE YEAR AFTER "NEW EVIDENCE DISCOVERED (A.E.D.P.A.)" *Ford v. Hubbard*, 330 F.3d 1086 (2002)
  8. FOR TRANSFERS AND LITIGATION HINDERANCES
    - A. *COX V. McBRIDE* 279 F.3d 492 (7th Cir. 2002);
    - B. *JOHNSON V. RIVERA*, 272 F.3d 519, 522 (7th Cir. 2001);
    - S. *ASHAFA V. CITY OF CHICAGO*, 146 F.3d 459, 463 (7th Cir. 1998);
    - A. *WALKER V. O'BRIEN* 216 F.3d 626, 633 (7th Cir. 2000)
    - B. *DUPREE V. PIERCE*, NO. 05-1028-Central Dist of IL - U.S. Dist. COURT
    3. *DUPREE V. RICH*, NO. 06-MR-50 Livingston Co. Cir. Court
    3. *DUPREE V. PATCHETT*, NO. 05-MR-20, Livingston Co. Cir. Court
    2. *DUPREE V. FRENCH*, NO. 05-1201 U.S. Dist. Court - Central Dist of IL
    2. *VIREK V. JONES*, 445 U.S. 470, 496-97, 110 S.Ct. 1254 (1980); *Reed v. Scully*, 140 Misc.2d 379, 531 N.Y.S.2d 196 (N.Y. Sup. 1988)
    - A. *Ford v. Hubbard*, 330 F.3d 1086 (2002)
    4. *MCGINNIS V. STEVENS*, 543 F.2d 1221, 1232; *Malloy v. Hogan*, 378 U.S. 154 S.Ct. 1499 (1964); *Sritzing v. Leading Hosp. and Med. Ctr.*, 165 F.3d 236 (1999)

3-D

E. Is the grievance procedure now completed? YES ☒ NO ( )

F. If there is no grievance procedure in the institution, did you complain to authorities? YES ( ) NO ( ) *N/A*

G. If your answer is **YES**:

1. What steps did you take?

*N/A*

2. What was the result?

*N/A*

H. If your answer is **NO**, explain why not:

*N/A*

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: DUPREE V. STATE OF ILL. / DUPREE V. LASTER  
93 CC-0339/02-1054-DRA  
DUPREE V. ALTON-06-CV-1097 / DUPREE V. DUPREE-05-1201  
& FRENCH
- B. Approximate date of filing lawsuit: 9/2/02
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: \_\_\_\_\_  
 \_\_\_\_\_  
ONLY me: Cedric Dupree
- D. List all defendants: PONTIAC PRISON / WARDEN  
LASTER et. AL, / DR. FINGIS et. AL, / WARDEN  
G. PIERCE et. AL,
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): COURT OF CLERKS / SO. DIST. OF ILL. / CENTRAL / CENTRAL DIST. /
- F. Name of judge to whom case was assigned: RATCHETT / HEDDEN / BAKER / BAKER
- G. Basic claim made: PROPERTY LOSS / CHRISTIAN  
RELIGIOUS DEMANDS / MENTAL  
HEALTH VIOLATION / ATTACKED BY  
PRISON STAFF (et)
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): WON / PENDING / APPEALING / PENDING
- I. Approximate date of disposition: 3-19-06 / 5-08 / 8-07 / 8-08

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.



## V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

PLAINTIFF <sup>was</sup> IS AN MENTAL HEALTH PATIENT (ON 2 PSYCH. MEDICATIONS) AND HAVE BEEN IN THE HIDE FOR ~~THE~~ 5-YEARS STRAIGHT AND HAVE FACED RETALIATORY ACTS FROM PRISON STAFF AND NOW COME BEFORE THIS HONORABLE COURT COMPLAINING OF CONDITIONS OF CONFINEMENT INCLUDING EXCESSIVE FORCE AND DELIBERATE INTERFERENCE AND BEING HINDERED DENIED ACCESS TO THE COURTS. THE RETALIATORY ACTS CAME FROM FILING COMPLAINTS AND LITIGATION AGAINST THE PRISONS & STAFF OF LE DOC AND WINNING. THE CLAIMS ARE AS FOLLOWS:

7-A

CLAIM NO. 1

while at Dixon Psychiatric  
 0-5-06 thru 1-1-07 I  
 WASN'T ABLE TO ACCESS THE COURTS FOR  
 WARDEN CALLIGAN OF DIXON CC.

REFUSED TO GIVE  
 PLAINTIFF WHO IS  
 INDIGENT LEGAL SUPPLIES  
 WHILE AT DIXON PRISON  
 IN AN EFFORT TO HINDER  
 ME FROM ACCESSING THE  
 COURTS. HE WAS WRITTEN  
 4 TIMES & ALSO GRIEVED  
 TO NO AVAIL.

THIS WAS RETALIATORY  
 FOR FILING LITIGATION AND  
 FOR SUCCESSFULLY Suing  
 FOR INJURY.

7B  
CLAIM NO. 2

White at Dixon Psychiatrist  
ON white - 1/1-07 WITHOUT JUSTIFICATION  
AND white taunting me,  
LT. HARVEY Forced me to give  
AN ANAL VISUAL SEARCH WHEN I  
WASNT SUSPECTED OF HAVING ANY  
CONTRABAND. THIS WAS TO HUMILIATE ME  
AND FOR GRIEVING HIM AND FOR FILING  
LITIGATION AGAINST I.D.O.C., AND  
FOR SUCCESSFULLY SUING  
I.D.O.C.,

7-c  
CLAIM NO. 3

ON 10-30-06  
THE Psych. DR. FINN (while at Dixon Psych)  
REFUSED to secure PLAINTIFF'S  
RELEASE FROM suicide watch  
in order to hinder PLAINTIFF  
FROM ~~bringing~~ legal action, AGAINST  
him. The room was cold  
AND PLAINTIFF was naked  
& suffering greatly & could  
NOT access legal mail &  
materials per DR. FINN'S  
orders, denying ME ACCESS  
TO courts. This was  
RETRIBUTORY FOR  
SUING SUCCESSFULLY IDOC.

7-D  
CLAIM NO. 4

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ON 1-3-07 THE  
DIXON C.C. TACTICAL TEAM  
USED EXCESSIVE FORCE  
ON ME, WITH THE INTENT  
TO INFLICT PAIN ON ME  
MALICIOUSLY WHEN VIDEO  
TAPES SHOWED THAT  
I WAS FULLY COOPERATIVE

5- C/O's ARE UNKNOWN  
THIS WAS ORDERED BY SGT. DURING  
AND WAS RETALIATORY  
FOR FILING LITIGATION  
AGAINST HIM AND FOR  
REPORTING THESE C/O'S THREATS  
TOWARD ME IN ADVANCE

7-E

CLAIM NO. 5

white in menard C.C.  
on 10-6-06 AND AFTERWARDS

While on suicide watch

DR. BRIGHT SEE HARPER LET ME  
CONTINUE TO CUT MY WRIST  
AND DIDN'T TAKE THE  
CUTTING DEVICE FROM

ALL IN FAILURE TO PROTECT  
& REFUSED TO STRAP ME DOWN.

THIS WAS RETALIATORY

FOR SUCCESSFULLY Suing  
J.D.O.C. AND FOR  
Filing litigation against  
J.D.O.C. AGAIN.

7F

CLAIM NO. 6

FROM Dixon to Pontine The Prison Medical Staff have intentionally been deliberate indifferent to my serious medical needs.  
UNKN DR & NURSE PRACTITIONER COLGAN & DR. S. MAHONE

Refused to treat me (After being attacked & receiving an groin injury) FOR Blood in my URINE & PAIN even after I was referred to an urologist by prison staff. THIS HAPPENED FROM 7-5-06 till present

Defendants then falsified records and contaminated lab results to cover their civil rights violations conspiring with prison staff. ALSO during these times I was refused medical services / treatment & medication from CINT Rick Cotton & FROM NURSE FRIL & ~~Christina~~ John Birker & ~~Christina~~ BEASLEY This was retaliatory for successfully suing F.D.O.C. & currently suing them resulting in my worsening condition.



## RELIEF:

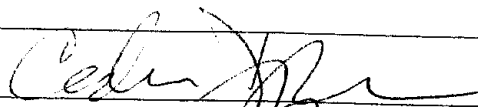
State briefly exactly what you want the court to do for you. Make no legal arguments.  
Cite no cases or statutes.

TO DECLARE Defendants ACTIONS unconstitutional  
And to ISSUE Injunctive RELIEF so I can go to an allergist  
And AWARD MONETARY COMPENSATORY AND NOMINAL  
DAMAGES

### CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 5 day of Dec., 2007

  
(Signature of plaintiff or plaintiffs)

(Print name)

Cedric Dupree

(I.D. Number)

# N63566

(Address)

P.O. Box 99-700 W. Lincoln  
Pontiac, IL  
61704



### AFFIDAVIT OF SERVICE

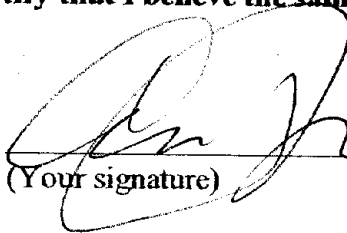
I, Cedric Dupree state that I served a copy of the document to which this affidavit is attached upon each party, or, if represented by counsel, upon the attorney of record for said party (ies) by enclosing the same in a sealed envelope plainly addressed as is disclosed by the pleadings of record herein and by depositing each of such envelopes in the box designated for United States mail at Pointe Correctional Center, Pointe Illinois, together with the appropriate request to the prison official responsible to affix fully prepaid thereon, on this 5 day of Dec, 20 07.

  
Signature

### VERIFICATION

I, Cedric Dupree, the undersigned, certify and state that:

1. I am the (Petitioner/Respondent) in the above captioned legal matter.
2. I have read the foregoing application and have knowledge of its contents; and
3. Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth in the foregoing motion and this affidavit are true and correct except as to matters therein stated to be on information and belief, and as to such matters I certify that I believe the same to be true.

  
(Your signature)